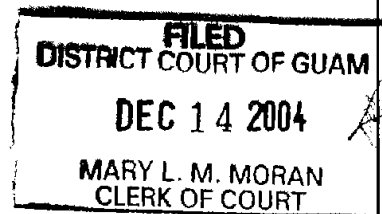


ORIGINAL

**MANTANONA  
LAW OFFICE**

GCIC Bldg., Suite 601B  
414 West Soledad Avenue  
Hagatna, Guam 96910  
Telephone (671) 472-3666  
Facsimile (671) 472-3668



Attorney for **Lourdes M. Perez and Artemio R. Ilagan**

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF GUAM**

JULIE BABAUTA SANTOS, et. al.,

Petitioners,

vs.

FELIX P. CAMACHO, etc., et. al.,

Respondents.

Civil Case No. 04-00006

**DECLARATION OF RAWLEN MT  
MANTANONA IN SUPPORT OF  
DEFENDANTS ILAGAN AND PEREZ'S  
OPPOSITION TO ATTORNEY  
GENERAL'S MOTION TO STRIKE ENTRY  
OF APPEARANCE OF RAWLEN MT  
MANTANONA AND SUBSEQUENT  
DOCUMENTS**

I, RAWLEN MT MANTANONA, declare that:

1. I am an attorney with the Mantanona Law Office. I make this declaration on personal knowledge, and if called to testify I could and would testify competently thereto.

2. Attached as Exhibit "A" is a true and correct copy of the letter to Attorney General Douglas B. Moylan from Artemio B. Ilagan discharging his representation in the above-entitled matter dated December 9, 2004.

3. Attached as Exhibit "B" is a true and correct copy of a letter to Attorney General Douglas B. Moylan from Lourdes M. Perez discharging his representation in the above-entitled matter dated December 9, 2004.

1  
2 4. Attached as Exhibit "C" is a true and correct copy of a letter to Attorney  
3 General Douglas B. Moylan and Assistant Attorney General Robert M. Weinberg from  
4 Declarant dated December 10, 2004.

5 5. Attached as Exhibit "D" is a true and correct copy of the substitution of  
6 counsel submitted to Assistant Attorney General Robert M. Weinberg on December 10,  
7 2004.

8 6. That on December 10, 2004, Declarant discussed and requested substitution  
9 in the above-entitled matter with the Assistant Attorney General Robert M. Weinberg who  
10 stated he could not sign the substitution of counsel.

11 6. Attached as Exhibit "E" is a true and correct copy of the substitution of  
12 counsel submitted to Attorney General Douglas B. Moylan on December 10, 2004.

13 7. Attached as Exhibit "F" is a true and correct copy of a letter to Artemio B.  
14 Ilagan, from Attorney General Douglas B. Moylan denying the withdrawal and substitution  
15 in the above-entitled matter dated December 13, 2004.

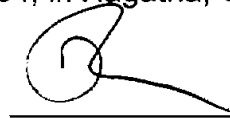
16 8. Attached as Exhibit "G" is a true and correct copy of a letter to Lourdes M.  
17 Perez from Attorney General Douglas B. Moylan denying the withdrawal and substitution in  
18 the above-entitled matter dated December 13, 2004.

19 9. Attached as Exhibit "H" is a true and correct copy of the written designation  
20 for substitution of counsel pursuant to General Rule 19.1(b)(2) and proposed order  
21 submitted to the District Court of Guam on December 13, 2004.

22 10. Attached as Exhibit "I" is a true and correct copy of the letter of selection for  
23 representation of Defendant's Ilagan and Perez pursuant to emergency procurement dated  
24 November 19, 2004.  
25

1  
2 I declare under penalty of perjury pursuant to the laws of the United States and of  
3 the Territory of Guam that the foregoing declaration is true and correct.

4 Executed this 14<sup>th</sup> day of December, 2004, in Hagatna, Guam.

5 

6 RAWLEN MT MANTANONA

# EXHIBIT “A”



Dipattamenton Kontribusion yan Adu'ana

DEPARTMENT OF

**REVENUE AND TAXATION**

GOVERNMENT OF GUAM

Gubetnamenton Guahan

**COPY**

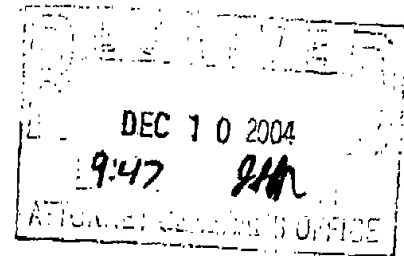
FELIX P. CAMACHO, Governor Maga'  
KALBO S. MOYLAN, Lt. Governor Tifento Gubelna

ARTEMIO B. ILAGAN, Direc  
Direk  
JOHN P. CAMACHO, Deputy Direc  
Segundo Direc

December 9, 2004

**VIA HAND DELIVERY**

Douglas B. Moylan  
Office of the Attorney General  
Suite 2-200E, Guam Judicial Center  
120 West O'Brien Drive  
Hagatna, Guam 96910



**RE: Discharge of Legal Representation of Director Lourdes M. Perez and Artemio B. Ilagan in Julie B. Santos, et al. v. Felix P. Camacho, etc. et al/04-00006**

Dear Mr. Moylan:

Please be advised that this letter evidences our desire to ask you to withdraw your representation in the above-entitled matter. I have retained independent counsel for my representation in the above-entitled case. I believe that a conflict of interest arises in the concurrent representation with Co-Defendant, Government of Guam and the positions you take in protecting the interests of the People of Guam. Further, I disagree with the legal opinions rendered by your assistant attorney generals in this matter and I am dissatisfied with their representation. Further, I do not believe that my rights and opinions as a party in this matter are being addressed and adequately represented. I believe that this is a denial of my due process and hereby ask you to sign a substitution of counsel forwarded to you by my retained counsel.

Sincerely,

*Artemio B. Ilagan*  
ARTEMIO B. ILAGAN

# EXHIBIT “B”



**Felix P. Camacho**  
Governor  
**Kaleo S. Moylan**  
Lieutenant Governor

**GOVERNMENT OF GUAM**  
(GUBERNAMENTON GUAHAN)  
**DEPARTMENT OF ADMINISTRATION**  
(DIPATTAMENTON ATMENESTRASION)  
**DIRECTOR'S OFFICE**

(Official Director)  
Post Office Box 884 • Hagatna, Guam 96932  
Tel (671) 475-1101/1221 • Fax (671) 477-8788



**Lourdes M. Perez**  
Director  
**Joseph C. Manibusan**  
Deputy Director

December 9, 2004

**VIA HAND DELIVERY**

Douglas B. Moylan  
Office of the Attorney General  
Suite 2-200E, Guam Judicial Center  
120 West O'Brien Drive  
Hagatna, Guam 96910

**RE: Discharge of Legal Representation of Director Lourdes M. Perez and Artemio B. Ilagan in Julie B. Santos, et al, v. Felix P. Camacho, etc. et al./04-00006**

Dear Mr. Moylan:

Please be advised that this letter evidences our desire to ask you to withdraw your representation in the above-entitled matter. I have retained independent counsel for my representation in the above-entitled case. I believe that a conflict of interest arises in the concurrent representation with Co-Defendant, Government of Guam and the positions you take in protecting the interests of the People of Guam. Further, I disagree with the legal opinions rendered by your assistant attorney generals in this matter and I am dissatisfied with their representation. Further, I do not believe that my rights and opinions as a party in this matter are being addressed and adequately represented. I believe that this is a denial of my due process and hereby ask you to sign a substitution of counsel forwarded to you by my retained counsel.

Sincerely,

RECEIVED BY:

NAME: Jessica Castro

DEPT: Admin. div- A.G.

DATE: 12/10/04 TIME: 9:40

SIGNATURE: [Signature]

[Signature]  
LOURDES M. PEREZ

# EXHIBIT “C”

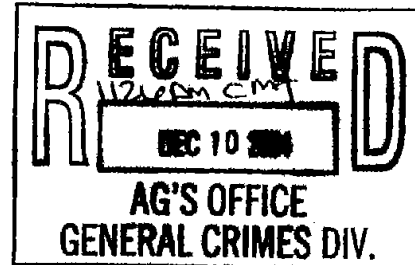


December 10, 2004

**VIA HAND DELIVERY**

Douglas B. Moylan  
Office of the Attorney General  
Suite 2-200E, Guam Judicial Center  
120 West O'Brien Drive  
Hagatna, Guam 96910

Robert M. Weinberg, Esq.  
Office of the Attorney General  
Suite 2-200E, Guam Judicial Center  
120 West O'Brien Drive  
Hagatna, Guam 96910



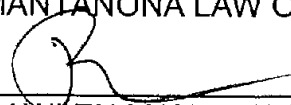
**RE: Substitution of Legal Representation of Director Lourdes M. Perez and Artemio B. Ilagan in Julie B. Santos, et al. v. Felix P. Camacho, etc. et al./04-00006**

Dear Gentlemen:

As you may know, I have been retained by Directors Artemio B. Ilagan and Lourdes M. Perez in the above-entitled case. I am aware that you are current counsel of record for these parties in the above-entitled case. I have been advised by the court to submit a substitution of counsel pursuant to Rule GR 19.1 to assume representation of these defendants. I am also aware as to your legal position in regard to representation of governmental officers. Nonetheless, I am forwarding to you substitution of counsels for your execution. I understand the Attorney General is currently attending to a private matter. Robert, I have taken the liberty of sending a second substitution of counsel for your signature to execute on the Attorney General's behalf if he has duly authorized you. If I do not receive the substitution of counsel back or filed in the District Court of Guam by 5:00 p.m. on December 10, 2004, I will assume that you are refusing to execute said document. I will then be filing a written designation of counsel pursuant to GR 19.1(b)(2) on December 13, 2004.

If you have any questions in regards to the contents of this letter, please feel free to contact me at my office.

Si Yu'os Ma'ase  
MANTANONA LAW OFFICE

  
RAWLEN M.T. MANTANONA, a duly  
Licensed employee.

RM/lmb  
Enclosure

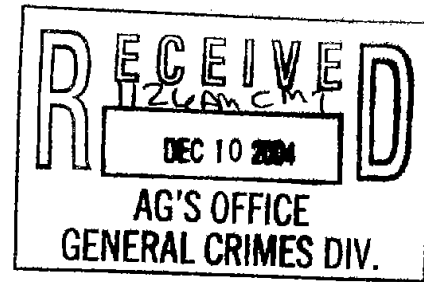
GCIC Building, Suite 601B 414 West Soledad Avenue Hagatna, Guam 96910

Telephone 671 472-3666 Facsimile 671 472-3668 Email rmlaw@guam.net

# EXHIBIT “D”

**MANTANONA**  
**LAW OFFICE**

GCIC Bldg., Suite 601B  
414 West Soledad Avenue  
Hagatna, Guam 96910  
Telephone (671) 472-3666  
Facsimile (671) 472-3668



Attorney for **Lourdes M. Perez and Artemio B. Ilagan**

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF GUAM**

**JULIE BABAUTA SANTOS, et. al.,**

Petitioners,

vs.

**FELIX P. CAMACHO, etc., et. al.,**

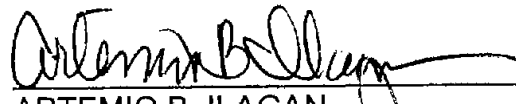
Respondents.

Civil Case No. 04-00006

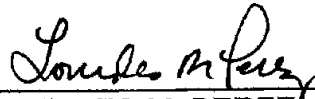
**SUBSTITUTION OF COUNSEL**

Defendants, Artemio B. Ilagan and Lourdes M. Perez, herein substitutes the Mantanona Law Office, Rawlen MT Mantanona, Esq., as their retained attorney of record in the above-entitled proceeding in place of the Attorney General of Guam, Douglas B. Moylan, their counsel of record in the above-entitled proceeding, each of the undersigned consenting hereto.

Dated: \_\_\_\_\_

  
ARTEMIO B. ILAGAN  
Director of Department of Revenue  
and Taxation  
**Defendant**


1  
2 Dated: 12/10/04

  
\_\_\_\_\_  
LOURDES M. PEREZ  
Director of Administration  
Defendant

3  
4  
5  
6 Dated: \_\_\_\_\_

\_\_\_\_\_  
ROBERT M. WEINBERG, ESQ.  
Assistant Attorney General  
Withdrawing Attorney for Defendants

7  
8  
9 Dated: 12/10/04

  
\_\_\_\_\_  
RAWLEN MT MANTANONA, ESQ  
Mantanona Law Office  
Substituting Attorney for Defendants

10  
11  
12  
13  
14 **APPROVED AND SO ORDERED.**

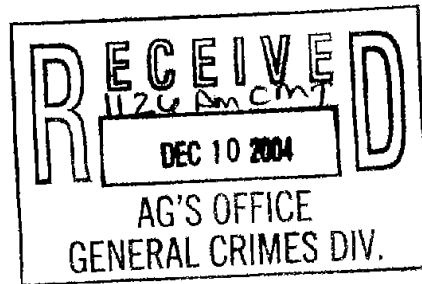
15 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

16  
17  
18 **HONORABLE JOAQUIN V.E. MANIBUSAN**  
**Magistrate Judge, District Court of Guam**

# EXHIBIT “E”

**MANTANONA  
LAW OFFICE**

GCIC Bldg., Suite 601B  
414 West Soledad Avenue  
Hagatna, Guam 96910  
Telephone (671) 472-3666  
Facsimile (671) 472-3668



Attorney for **Lourdes M. Perez and Artemio B. Ilagan**

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF GUAM**

JULIE BABAUTA SANTOS, et. al., ) Civil Case No. 04-00006

Petitioners,

vs.

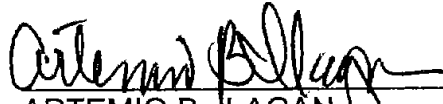
**SUBSTITUTION OF COUNSEL**

FELIX P. CAMACHO, etc., et. al.,

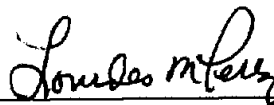
Respondents.

Defendants, Artemio B. Ilagan and Lourdes M. Perez, herein substitutes the Mantanona Law Office, Rawlen MT Mantanona, Esq., as their retained attorney of record in the above-entitled proceeding in place of the Attorney General of Guam, Douglas B. Moylan, their counsel of record in the above-entitled proceeding, each of the undersigned consenting hereto.

Dated: \_\_\_\_\_

  
ARTEMIO B. ILAGAN  
Director of Department of Revenue  
and Taxation  
**Defendant**


1  
2 Dated: 12/10/04

  
\_\_\_\_\_  
LOURDES M. PEREZ  
Director of Administration  
**Defendant**

3  
4  
5  
6 Dated: \_\_\_\_\_

\_\_\_\_\_  
DOUGLAS B. MOYLAN  
Attorney General of Guam  
Withdrawing Attorney for Defendants

7  
8  
9 Dated: 12/12/04

  
\_\_\_\_\_  
RAWLEN MT MANTANONA, ESQ  
Mantanona Law Office  
Substituting Attorney for Defendants

10  
11  
12  
13  
14 **APPROVED AND SO ORDERED.**

15 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

16  
17  
18 **HONORABLE JOAQUIN V.E. MANIBUSAN**  
**Magistrate Judge, District Court of Guam**

# EXHIBIT “F”





**Office of the Attorney General**

**Douglas B. Moylan**  
Attorney General of Guam  
Guam Judicial Center, Suite 2-200E  
120 West O'Brien Drive  
Hagatña, Guam 96910 • USA  
(671) 475-3324 • (671) 472-2493 (Fax)  
www.guamattorneygeneral.com • law@mail.justice.gov.gu

December 13, 2004

**Mr. Artemio B. Ilagan Director**  
**Department of Revenue & Taxation**  
13-1 Mariner drive  
P.O. Box 23607  
GMF, Barrigada Guam 96921  
Tel: 475-1817  
Fax: 472-2643

**RE: Attempted discharge of legal representation by Director Lourdes M. Perez and  
Artemio B. Ilagan in *Julie B. Santos, et al. v. Felix P. Camacho, etc. et al.*  
(District Court of Guam Civil Case No. 04-00006)**

**Dear Art:**

I am in receipt of your letter dated December 09, 2004 requesting that I withdraw my representation of you in the above-styled matter. As you know, under the Organic Act, 48 U.S.C. § 1421g(d)(1), and the laws of Guam, I am the Chief Legal Counsel for the Government of Guam. You are sued in your official capacity only, and as such, your department is undeniably a part of the "Government of Guam." There is not one without the other. Accordingly, by law, I am your designated legal counsel, elected by the People of Guam to establish a coherent legal policy for the Government of Guam by representing you and your legal interests.

While I appreciate the sentiments expressed in your letter, you have been ill-advised as to the law, and the nature of the attorney-client relationship we have under the Organic act. More importantly, you have been misled as to your authority to retain independent legal counsel without my consent. You have no such authority. Furthermore, the retention of private legal counsel by your department without my express consent is unlawful, and any monies paid pursuant thereto would constitute an illegal expenditure under the laws of Guam.

Page 2

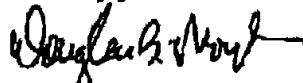
Letter to Art Hagan

December 13, 2004

The attorneys you purport to have retained are well aware of the legal arguments presently pending before the courts with respect to the Attorney General's authority to establish a coherent legal policy for the Government of Guam, and to control its litigation decisions, even in the face of disagreement by the elected or appointed government official being represented by this office. If the private attorneys you have attempted to retain have not shared the law with you that we have cited to them and the Court, it is further evidence that you are being disserved. But I would be happy to provide you copies of the legal arguments and discuss the matter with you in person.

The issue of the control of litigation, and whether your purported counsel are authorized to represent you without a legal contract and without my consent are issues presently pending before the court, and your request that I withdraw will not affect the Court's ultimate disposition of the matter. Until the courts rule otherwise, it is my duty under the Organic Act to zealously represent and advocate your legal interests in the manner I deem best for the Government of Guam. I have no intention of abdicating that responsibility. Until the courts instruct me otherwise, your request that I withdraw is duly noted, and denied.

Sincerely yours,



Douglas B. Moylan

# EXHIBIT “G”

**Office of the Attorney General**

**Douglas B. Moylan**  
Attorney General of Guam  
Guam Judicial Center, Suite 2-200E  
120 West O'Brien Drive  
Hagatña, Guam 96910 • USA  
(671) 475-3324 • (671) 472-2493 (Fax)  
www.guamattorneygeneral.com • law@mail.justice.gov.gu

December 13, 2004

**Ms. Lourdes M. Perez**  
Director of Administration  
P.O.Box 884  
Hagatña Guam 96932  
Tel: 475-1101  
Fax: 477-6788

**RE: Attempted discharge of legal representation by Director Lourdes M. Perez and  
Artemio B. Nagan in *Julie B. Santos, et al. v. Felix P. Camacho, etc. et al.*  
(District Court of Guam Civil Case No. 04-00006)**

Dear Lou:

I am in receipt of your letter dated December 09, 2004 requesting that I withdraw my representation of you in the above-styled matter. As you know, under the Organic Act, 48 U.S.C. § 1421g(d)(1), and the laws of Guam, I am the Chief Legal Counsel for the Government of Guam. You are sued in your official capacity only, and as such, your department is undeniably a part of the "Government of Guam." There is not one without the other. Accordingly, by law, I am your designated legal counsel, elected by the People of Guam to establish a coherent legal policy for the Government of Guam by representing you and your legal interests.

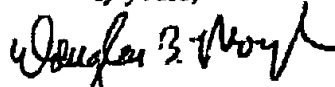
While I appreciate the sentiments expressed in your letter, you have been ill-advised as to the law, and the nature of the attorney-client relationship we have under the Organic act. More importantly, you have been misled as to your authority to retain independent legal counsel without my consent. You have no such authority. Furthermore, the retention of private legal counsel by your department without my express consent is unlawful, and any monies paid pursuant thereto would constitute an illegal expenditure under the laws of Guam.

Page 2  
Letter to Lou Perez  
December 13, 2004

The attorneys you purport to have retained are well aware of the legal arguments presently pending before the courts with respect to the Attorney General's authority to establish a coherent legal policy for the Government of Guam, and to control its litigation decisions, even in the face of disagreement by the elected or appointed government official being represented by this office. If the private attorneys you have attempted to retain have not shared the law with you that we have cited to them and the Court, it is further evidence that you are being disserved. But I would be happy to provide you copies of the legal arguments and discuss the matter with you in person.

The issue of the control of litigation, and whether your purported counsel are authorized to represent you without a legal contract and without my consent are issues presently pending before the court, and your request that I withdraw will not affect the Court's ultimate disposition of the matter. Until the courts rule otherwise, it is my duty under the Organic Act to zealously represent and advocate your legal interests in the manner I deem best for the Government of Guam. I have no intention of abdicating that responsibility. Until the courts instruct me otherwise, your request that I withdraw is duly noted, and denied.

Sincerely yours,



Douglas B. Moylan

# EXHIBIT “H”

**MANTANONA**  
**LAW OFFICE**

GCIC Bldg., Suite 601B  
414 West Soledad Avenue  
Hagatna, Guam 96910  
Telephone (671) 472-3666  
Facsimile (671) 472-3668

Attorney for **Lourdes M. Perez and Artemio B. Ilagan**

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF GUAM**

JULIE BABAUTA SANTOS, et. al., ) Civil Case No. 04-00006

Petitioners,

vs.

FELIX P. CAMACHO, etc., et. al.,

Respondents.

**WRITTEN DESIGNATION FOR  
SUBSTITUTION OF COUNSEL  
PURSUANT TO GENERAL RULE  
19.1(b)(2) AND [PROPOSED] ORDER**

**NOTICE OF DESIGNATION FOR SUBSTITUTION OF COUNSEL PURSUANT TO  
GENERAL RULE 19.1(b)(2)**

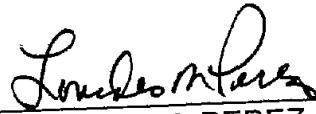
To: Michael Phillips, Esq., Phillips and Bordallo  
Shannon Taitano, Esq. and Rodney Jacob, Attorney for Governor of Guam  
Douglas Moylan, Attorney General of Guam  
Rodney Jacob, Esq., Calvo and Clark, LLP

PLEASE TAKE NOTICE that the Mantanona Law Office hereby files its written designation for substitution of counsel on behalf of Respondents Lourdes M. Perez and Artemio B. Ilagan in the above-entitled matter. Previous to the filing of this designation, Respondents Perez and Ilagan sought the signature of their previous counsel on a substitution of counsel pursuant to General Rule 19.1(b)(1), but their previous counsel refused. Therefore, this designation is being filed pursuant to General Rule 19.1(b)(2).


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CONSENT TO SUBSTITUTION OF COUNSEL BY RESPONDENTS:

Dated: 12/10/04

  
LOURDES M. PEREZ  
Defendant

Dated: \_\_\_\_\_

  
ARTEMIO B. ILAGAN  
Defendant

Dated: December 10, 2004.

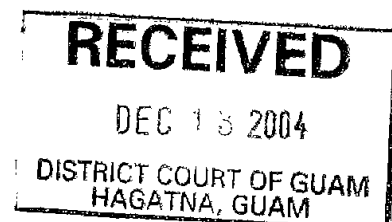
MANTANONA LAW OFFICE  
Attorney for **Lourdes M. Perez**  
and **Artemio R. Ilagan**

  
RAWLEN MT MANTANONA  
A duly licensed employee

IT IS HEREBY ORDERED THAT the Mantanona Law are substituted as counsel of  
record for Respondents Lourdes M. Perez and Artemio B. Ilagan.

IT IS SO ORDERED this \_\_\_\_\_ day of December, 2004.

HONORABLE JOAQUIN V.E. MANIBUSAN  
Magistrate Judge, District Court of Guam





# EXHIBIT “I”



# Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho  
*Governor*

Kaleo Scott Moylan  
*Lieutenant Governor*

19 NOV 2004

Rawlen M.T. Mantanona  
Attorney at Law  
Mantanona Law Office  
GCIC Bldg, Ste. 601B  
414 W. Soledad Ave.  
Hagåtña, Guam 96910

Re: *Santos v. Camacho et al.*, District Court Case No. CV04-0006

Dear Mr. Mantanona:

I am writing to inform you that you have been selected to represent Artemio B. Ilagan and Lourdes M. Perez in the above-captioned case pursuant to the certificate of emergency for procurement of legal services.

Thank you for your willingness to undertake this representation.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Taitano", is located below the "Sincerely," text.

Shannon Taitano

CERTIFICATE OF SERVICE

I, Rawlen M. T. Mantanona, do hereby certify that on the 14<sup>th</sup> day of December, 2004, caused the above Declaration of Rawlen MT Mantanona to be served upon the counsels of record in this matter by delivering and leaving one (1) copy of same at the following offices, as follows:

Michael Phillips, Esq.  
Phillips & Bordallo, P.C.  
410 West O'Briend Drive  
Hagatna, GU 96910

Shannon Taitano, Esq.  
Office of the Governor of Guam


Douglas Moylan  
Office of the Attorney General  
Suite 2-200E, Guam Judicial Center  
120 West O'Brien Drive  
Hagatna, GU 96910

Rodney Jacob, Esq.  
Calvo & Clark, LLP  
655 S. Marine Corps Drive  
Tamuning, GU 96913

Dated: December 14, 2004

MANTANONA LAW OFFICE  
Attorney for **Lourdes M. Perez and**  
**Artemio B. Ilagan**

By:

  
RAWLEN M T MANTANONA  
A duly licensed employee.